

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:18 CR 513
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>MOTION FOR RETURN OF</u>
TREVOR C. MARLYNE,)	<u>PROPERTY</u>
)	
Defendant.)	(Proposed Order Attached)

Now comes the Defendant, Trevor C. Marlyne, by and through undersigned counsel, Friedman & Nemecek L.L.C., and hereby respectfully moves this Honorable Court to issue an Order directing the Clerk's office to return any property that was surrendered by Mr. Marlyne in connection with the above-referenced case, including, but not limited to, his passport. A Memorandum in Support of this Motion is attached hereto and incorporated herein by express reference.

Respectfully submitted,

/s/ Eric F. Long
ERIC C. NEMECEK (0083195)
ERIC F. LONG (0093197)
Counsel for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed by CM/ECF on the 27th day of February, 2020, which will send a notification of such filing electronically to the following:
Assistant United States Attorney, 801 West Superior Avenue, Cleveland, Ohio 44113.

Respectfully submitted,

/s/ Eric F. Long
ERIC C. NEMECEK
ERIC F. LONG
Counsel for Defendant

MEMORANDUM IN SUPPORT

I. Factual History

On May 7, 2019, Mr. Marlyne appeared before this Honorable Court and entered a plea of “Guilty” to one (1) count of Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h). The instant Plea Agreement was made pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure. On August 14, 2019, this Honorable Court sentenced Mr. Marlyne to three (3) years of Probation with standard and special conditions. As a condition of his Probation, Mr. Marlyne has been placed on house arrest. At the beginning of this matter, Mr. Marlyne willfully surrendered his passport to this Honorable Court.

Although this matter has been resolved, Mr. Marlyne has not received the return of his passport. No property forfeiture petition was ever filed by the United States. Further, the relinquishment of his ownership interest in his passport was not a condition of his plea agreement, nor was it a condition of the sentence imposed by this Honorable Court. Accordingly, Mr. Marlyne’s passport is currently in the possession of this Honorable Court and is being held without cause. Further, Mr. Marlyne is committed to adhering to all of the conditions imposed by this Honorable Court. Thus, the return of Mr. Marlyne’s passport does not create any risk to the public or this Court.

WHEREFORE, Defendant, Trevor Marlyne, respectfully requests this Honorable Court issue an Order instructing the Clerk’s office to return the above-described property surrendered in connection with the above-referenced case to Trevor Marlyne.

Respectfully submitted,

/s/ Eric F. Long

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